

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.UBAID

WEDNESDAY, THE 18TH DAY OF MARCH 2015/27TH PHALGUNA, 1936

Crl.MC.No.1726 of 2015

**CC NO.951/2014 OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT-I,
THAMARASSERY,KOZHIKODE DISTRICT.
CRIME NO.494/2014 OF THAMARASSERY POLICE STATION,KOZHIKODE.**

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PETITIONERS/ACCUSED 2 & 3:

- 1. CHINNAMMA DANIEL,AGED 82 YEARS,
W/O.LATE DANIEL,PANDIYALAKKAL HOUSE,
KIDAVOOR AMSOM,RAROTH DESOM,
THAMARASSERY P.O., KOZHIKODE.**
- 2. MARIAMMA CHACKO,AGED 58 YEARS,
W/O.CHACKO,PALAKKULAM HOUSE,
PANANGAD AMSOM,DESOM,VATTOLI BAZAR,
BALUSSERY,KOZHIKODE.**

**BY ADVS.SRI.S.RAJEEV
SRI.K.K.DHEERENDRAKRISHNAN
SRI.V.VINAY**

RESPONDENT/STATE:

**STATE OF KERALA,REP. BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,ERNAKULAM-682031,
(CRIME NO.494/2014 OF THAMARASSERY POLICE STATION,
KOZHIKODE DISTRICT).**

BY SENIOR PUBLIC PROSECUTOR SMT.SAREENA GEORGE.P

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 18-03-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

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P.UBAID, J.
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**Crl.M.C No.1726 of 2015**  
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Dated this the 18th March, 2015

ORDER

The petitioners herein are the accused Nos.2 and 3 in C.C No.951 of 2014 of the Judicial First Class Magistrate's Court-I, Thamarassery. On the apprehension of arrest and remand to judicial custody in execution of a warrant of arrest issued from the trial court they seek orders from this Court under Section 482 of the Code of Criminal Procedure directing the court below to recall the warrant, and to decide and dispose of their application for bail, without delay. The learned Magistrate, who has issued warrant of arrest for proper reasons, will have to consider the request. It is for the court below to decide whether bail could be granted to the petitioners. The petitioners will have to surrender before the trial court and make application for bail. They will have to explain the reason for their absence in court. Their grievance is that they had not received any summons in the case. This will have to be considered by the trial court. Anyway, let appropriate decision regarding

bail be taken by the learned Magistrate. However, a direction can be made to consider and dispose of the application for bail on the date of surrender itself.

In the result, this petition is closed with direction to the court below that in case the petitioners make application for bail on surrender in C.C No.951 of 2014, the same shall be judiciously considered and decided, on the date of surrender itself, however, with notice to the other side. The petitioners are granted seven days time to surrender before the learned Magistrate and to make application for bail. During this period, execution of the warrant of arrest will stand suspended.

Sd/-
P.UBAID
JUDGE

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/True copy/

P.S to Judge